



**Immigration  
& Asylum**



The Law Society

# **Immigration and Asylum Accreditation**

Candidate Guidance



# Assessment guidelines

## Immigration and Asylum Accreditation

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## Introduction

1. This document is to assist you in preparing for the Immigration Asylum Accreditation (IAA) examinations.
2. These examination guidelines are accurate as at 29 October 2019 and may be updated again before the exams.
3. References to rules, statutes and regulations include any subsequent statute, legislation or regulation directly or indirectly amending, consolidating, extending, replacing or re-enacting that rule, statute or regulation and to all orders, directions and notices made or served under them.

### Questions?

If you have any questions on any aspect of these guidelines, please contact us:

**Tel:** 020 7320 5797

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### 1. Exam duration

The duration of the Assistant Casework exam is 90 minutes and is a multiple-choice test.

The duration of the Senior Caseworker and Casework exam is 3 hours and 30 minutes.

The first 30 minutes is reading time. You are advised to use this time to read the question paper in full. During the 30 minutes' reading time, you may not write in your answer booklet, but you may make notes on the exam question paper or on scrap paper.

### 2. Pass mark

The pass mark for the Assistant Caseworker exam is 60%

The pass mark for the Casework and Senior Caseworker exam is 50%

### 3. Exam format and content - Caseworker and Senior Caseworker

Format	Content	Total marks
Part 1	Asylum and related questions arising from advance fact pattern  Legal Analysis and Application	30 marks
Part 2	Compulsory drafting question arising from advance materials.  Question/s arising from advance materials	24 marks  6 marks
Part 3	Five multiple choice questions	15 marks
Part 4	Questions arising from unseen fact pattern	25 marks
Total		100 marks

### 4. Advance materials – Caseworker and Senior Caseworker

Candidates will be issued with advance materials/fact patterns, going to 60% of the marks, seven days before the exam.

The first fact pattern will give rise to questions about asylum and related areas [30 marks].

The second scenario will give rise to the compulsory drafting question [24 marks] and supplementary questions [6 marks].

Candidates are advised to treat the advance materials in the same way as they would in practice. They should consider all possible questions a reasonable client might ask, that could arise from the materials, research the law, policy and procedure and be ready to draw on that research to answer the questions that arise in the exam. When candidates have identified the relevant law, policy and procedure from section 9, they are advised to include that in their file of permitted materials (see section 7).

The remaining 40% of the exam will cover areas other than those contained in the advance materials.

The advance materials will be provided again in the examination.

## 5. Professional conduct and gross professional error - Caseworker and Senior Caseworker

Professional conduct will be assessed throughout the examination. If the candidate is found to have committed a gross professional error, they will fail the examination irrespective of the overall mark obtained.

A gross professional error is defined as: *"a serious departure from, or breach of, the standards of professional conduct and ethics."*

There will be a compulsory professional conduct question in the exam. If the candidate does not attempt to give a substantive answer to the professional conduct question, they will fail the examination, irrespective of the overall mark obtained. It is not sufficient to state only: 'This is a professional conduct question, I will consult my supervisor/office manual' or similar. Candidates who write this, without an attempt to answer the question, will fail the examination. An explanation of the issue, and resolution must be provided to this question.

## 6. Drafting, English and overriding fault in English - Caseworker and Senior Caseworker

English will be assessed throughout the examination. If an overriding fault in English is found anywhere in the examination script, the candidate will fail the whole examination, irrespective of the overall mark obtained. An overriding fault in English is *"an error, or a combination of errors, that compromises the client"*.

Part 2 of the exam contains a compulsory drafting question worth 24 marks. If the drafting question is not attempted, the candidate will fail the examination irrespective of the overall mark obtained.

The candidate must achieve 50% of the marks available in the drafting question. If a candidate does not achieve 50%, they will fail the whole examination, irrespective of the overall mark obtained.

In the drafting question, candidates should demonstrate:-

- a) A good and appropriate structure and a complete answer;
- b) Identification of correct law;
- c) Inclusion of all relevant facts and supporting material;
- d) Accurate transposition of facts;
- e) Exclusion of irrelevant facts or other material;
- f) Correct application of law to facts of case;
- g) Correct sentence construction, punctuation and accurate grammar;
- h) Appropriate and correct vocabulary; and
- i) Correct spelling.

Marks are allocated in the following categories

1. Content;
2. Structure;
3. Grammar, sentence construction and punctuation; and
4. Vocabulary and spelling.

An incomplete answer reduces the available marks.

## 7. Permitted materials - All exams

This section sets out the materials that candidates may take into the exam.

Candidates are advised to read sections 9 and 10 below. Section 9 sets out sources of law, policy and procedure and section 10 sets out the syllabus. The exam questions will be confined to the syllabus set out in section 10. If any other sources are relevant, these will be provided in the exam.

- Any edition of: Margaret Phelan & James Gillespie Immigration Law Handbook (Note that this does not contain all the permitted materials and is not completely up-to-date).
- SRA Code of Conduct (SRA Handbook or download from SRA website).
- Maximum one lever arch file for Assistant Caseworker exam, and Caseworker exam and two lever arch files for Senior Caseworker exam, containing any of the following:
  - Any law, policy or procedure listed in section 9 below;
  - Page numbers may be added;
  - A typed contents list of these documents; and
  - Dividers.
- The text of the book and of the printed materials can be high-lighted and/or annotated with hand-written notes
- Small, sticky, page tabs can be used and these can be written on.
- Candidates may take a pocket calculator into the examination.

## 8. Prohibited materials - All exams

The following materials are **NOT** permitted: This is not an exhaustive list. It is a list of materials, which previous candidates have asked the Law Society for permission to take into the exam, and permission has been refused:

- The candidates' guidance (i.e. this document) is **not** permitted;
- Any book or other material that contains commentary;
- O Richards: British and Immigration Practice Handbook;
- OISC Exam Resource Booklet;
- HJT Immigration Training Manual;
- Post-it notes or other sticky notes or inserts are not permitted (other than page tabs);
- Any hand-written or printed material, prepared by the candidate or a third party; and
- Candidates may not refer to any other electronic devices/materials during the examination.

Candidates found in possession of prohibited materials will be asked to hand in those materials until the end of the exam.

If the invigilators find that a candidate has accessed prohibited materials, the candidate will be asked to leave and will fail the examination. The Law Society will be informed and accreditation may be refused or withdrawn.

## 9. Legal authorities, Policy and Procedure

Candidates will be tested on their awareness, knowledge and understanding of law, policy and procedure arising from the syllabus set out at section 10 of this guidance. The Authorities are suggested only as a guide.

Candidates are expected to know what sources of law, policy and procedure apply to the area of the syllabus, in which they are being tested, and be able to look at those authorities to find answers to questions.

Candidates are advised to undertake self-study to supplement legal practice experience and to access relevant training and/or education (in-house or externally). Candidates are permitted to prepare for the exam with the assistance of other practitioners and candidates. Candidates are however reminded that, subject to the permitted materials listed in section 7, they are not permitted to take into the examination, any hand-written or printed materials prepared by themselves or by third parties.

Marks are available for application of relevant law to facts and for citing the correct legal authority. It is not sufficient to write out facts or law, without connecting the two.

After achieving accreditation, members will need to draw on additional sources as they become more experienced and deal with a wider range of cases. We have confined the syllabus for exam purposes and accreditation only.

## 10. Syllabus

The syllabus is confined to work that can be conducted under an Immigration Legal Aid contract and comprises:-

1. Legal Aid;
2. Professional Conduct;
3. Drafting and English;
4. Legal Practice;
5. Specialist Immigration Practice;
6. Appeal and Administrative Review
7. Detention
8. Deportation and Removal;
9. Judicial Review
10. Human Rights
11. Asylum support

The LAA contract immigration specification sets out what tasks can be carried out by Supervisor Senior Caseworkers, Caseworkers and Assistant Caseworkers.

There are many tasks that can be undertaken by an Assistant Caseworker, but which will not be examined on because interim accreditation is an “entry level” and once accredited, members will gain more knowledge and experience.

Similarly, there are tasks that can be undertaken by Senior Caseworkers, but which will not be examined on until re-accreditation, when a Senior Caseworker will have at least 3 years' experience.

A Supervising Senior Caseworker, is expected to have all the abilities of a Senior Caseworker, as well as being able to supervise work at all levels.

The exam will test for levels of learning within the syllabus as follows:-

Level of ability	Definition
Awareness	Knowledge that law/policy/procedure exists.
Knowledge	Knowledge of content of law, policy, procedure
Understanding	Knowledge and ability to apply law, policy and procedure
Competence	Knowledge, understanding and ability to complete a task





Level	1. Legal Aid	
	Level of ability and area	Authorities
Assistant Caseworker	<p>Knowledge of what areas are in scope of Legal Aid.</p> <p>Knowledge of what work is permitted at interim and full accreditation.</p> <p>Awareness of exceptional case funding scheme.</p> <p>Awareness of means and merits tests for legal help.</p>	<p>Legal Aid Agency key card.</p> <p>LASPO 12 Civil Legal Aid S8 - 12</p>
Assistant	<p>Understanding of means and merits test for Legal Help and completing CW1 form.</p> <p>Understanding of when an out-of-scope area is relevant.</p> <p>Knowledge of the exceptional case funding scheme.</p> <p>Awareness of the immigration category section of the LAA civil contract specification.</p>	<p>Legal Aid Agency Civil Contract Specification: Section 8: Immigration.</p> <p>Guide to Determining Financial Eligibility for Controlled Work and Family Mediation.</p>
Senior Caseworker	<p>Understanding of the immigration category section of the LAA civil contract specification.</p> <p>Understanding of schedule 1, part 1 and section 10 of LASPO 2012.</p> <p>Understanding of means and merits tests for Controlled Legal Representation (CLR) and completing form CW2(IMM).</p>	<p>Lord Chancellor's Guidance on Exceptional Case Funding</p> <p><i>Gudanaviciene &amp; Ors, R (on the application of) v The Director of Legal Aid Casework &amp; Or [2014] EWCA Civ 1622 (15 December 2014)</i></p>

	<p>Awareness of how to apply to the Legal Aid Agency for certificates for Investigative and Full Representation.</p> <p>Understanding of the requirements of the LAA immigration contract with respect to unaccompanied asylum-seeking children.</p>	
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Level	2. PROFESSIONAL CONDUCT	
	Level of ability and area	Authorities
Assistant Caseworker	<p>Awareness of the SRA Code of Conduct.</p> <p>Awareness of duty to client and duty not to mislead the Court and the immigration authorities.</p> <p>Awareness of duty of confidentiality.</p> <p>Awareness of immigration offences.</p>	<p>SRA Code of Conduct</p> <p><i>R (Hamid) v Secretary of State for the Home Department</i> [2012] EWHC 3070 (Admin)</p>
Assistant	<p>Understanding of the SRA code of conduct.</p>	<p>Sections 24, 24 A, 25, 25A, 25B, 26 Immigration Act 1971</p>
Senior Caseworker	<p>Understanding of Immigration Offences</p>	<p>Sections 2 and 4 Asylum and Immigration (Treatment of Claimants etc.) Act 2004.</p>

Level	3. DRAFTING AND ENGLISH	
	Level of ability and area	Authorities
Assistant Caseworker	<p>Competence to write accurate English.</p> <p>Competence to draft a chronology.</p>	
Assistant	<p>Competence to write in clear, accurate and professional English.</p> <p>Competence to draft with appropriate structure and vocabulary.</p> <p>Competence to draft client advice letters, letters making representations to the Home Office or Entry Clearance Officer, Legal Aid Agency, letters to GPs and other professionals and letters to witnesses.</p>	
Senior Caseworker	<p>Competence to draft witness statements, instructions to Advocate and skeleton arguments for and letters to the Tribunal.</p> <p>Understanding of law, policy and procedure that apply when instructing an independent expert.</p>	Practice Direction Immigration and Asylum Chamber

Level	4. LEGAL PRACTICE	
	Level of ability and area	Authorities
Assistant Caseworker	Awareness of client care/terms of business letter should include.	SRA Code of Conduct
Assistant	<p>Knowledge of what client care/terms of business letter should include.</p> <p>Understanding of what client closure letter should contain.</p> <p>Understanding of case law, legal and statutory provisions, policy, procedure, fees and evidential requirements relevant to pervasive subject areas and work listed.</p> <p>Understanding required to research, identify and apply relevant law to fact patterns.</p> <p>Understanding required to take initial instructions and record in an attendance note.</p> <p>Understanding required to advise in person (advice on law, procedure, evidence, timescales, strengths and weaknesses, potential outcomes and next steps) and in a written advice letter.</p> <p>Understanding required to apply relevant law to facts</p>	
Senior Caseworker	Competence in the above standards	

Level	5. SPECIALIST IMMIGRATION PRACTICE	
	Level of ability and area	Authorities
Assistant Caseworker	<p>Awareness of Immigration Rules</p> <p>Knowledge of the Common Travel Area</p> <p>Awareness of Immigration (European Economic Area) Regulations 2016.</p> <p>Awareness of EEA Member states.</p> <p>Knowledge of Article 1A(2) 1951 Convention and 1967 Protocol relating to the Status of Refugees.</p> <p>Knowledge of Home Office procedure for claiming asylum.</p>	<p>The Immigration Rules</p> <p>Application forms for areas within the syllabus</p> <p>Application fees for areas within the syllabus</p> <p>Fee waiver policy</p> <p>Immigration Health Surcharge Guidance</p> <p>Article 1A(2) 1951 Convention as amended by the 1967 Protocol relating to the Status of Refugees.</p> <p>Asylum screening and routing (asylum instructions) - Asylum screening and routing</p>
Assistant	<p>Understanding of best practice in, in-scope areas.</p> <p>Understanding required to conduct and advise on applications in all in-scope areas.</p> <p>Knowledge that minors and recognised victims of trafficking/modern slavery can obtain legal aid for immigration applications and to advise on those applications.</p>	<p>Home Office: Asylum Policy: UKVI Operational Guidance: Family Reunion: for refugees and those with humanitarian protection.</p>

	<p>Knowledge and understanding of the Immigration Rules that are in-scope or relevant to in-scope areas, Article 8, and family reunion.</p> <p>Understanding required to identify whether a client is subject to/can take the benefit of the EEA Regulations or not and making the relevant application on their behalf.</p> <p>Understanding required to conduct asylum claims (claims for international protection including Humanitarian Protection and Human Rights).</p> <p>Understanding required to conduct family reunion applications.</p> <p>Understanding required to conduct applications for ILR for victims of domestic violence and for DL under the destitution domestic violence concession.</p> <p>Understanding required to apply for exceptional case funding.</p> <p>Understanding required to advise on liability to be detained and of Immigration Bail.</p> <p>Awareness of removal and deportation.</p> <p>Understanding required to advise on procedure for claiming asylum (screening, detained asylum casework, new asylum model/asylum operating model and substantive processes) and timescales.</p> <p>Understand required to advise on the conducting of an asylum application and advising on a decision.</p> <p>Understanding required to advise on law, policy and procedure for refugee/HP family reunion applications.</p>	<p>Article 4 Council of Europe Convention against trafficking in Human Beings</p> <p>Home Office: UKVI Operational Guidance: Victims of Modern Slavery: Frontline Staff Guidance.</p> <p>Immigration Rules: Appendix FM: Section DV and Section S</p> <p>Regulations 10, 17 &amp; 18 Immigration (European Economic Area Regulations) 2016.</p> <p>Home Office: UKVI Operational Guidance: Victims of Domestic Violence</p> <p>JL (Domestic Violence: evidence of procedure) India [2006] UKAIT 00058;</p> <p>Ishtiaq v Secretary of State for the Home Department [2007] EWCA Civ 386: Evidence requirements</p> <p>R (on the application of Mutesi) v SSHD [2015] EWHC 2467 (Admin) and R (on the application of SF) v SSHD [2015] EWHC 2705 Admin:</p>
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	<p>Competence in drafting instructions to GPs and other people for relevant reports or other evidence.</p>	<p>No requirement of corroboration and striking down a decision.</p> <p>R (on the application of Minh) v SSHD [2015] EWHC 1725: Late disclosure, credibility assessments, historical trafficking, expert reports,</p> <p>The Immigration (European Economic Area) Regulations 2016</p> <p>Dublin III: Regulation (EU) no 604/2013 of the European parliament and of the council</p> <p>Section 8 Asylum and Immigration (Treatment of Claimants etc.) Act 2004.</p> <p>The Refugee or Person in Need of International Protection (Qualification) Regulations 2006.</p> <p>Detention and reporting (asylum instructions) - Asylum claims in detention</p> <p>Sivakumaran, R (on the application of) v SSHD [1987] UKHL 1:</p>
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		<p>Standard of proof in an asylum claim.</p> <p>R v Secretary of State for the Home Department ex parte Adan [1998] Imm AR: persons fleeing civil war</p> <p>R v Uxbridge Magistrates' Court ex parte Adimi [2001] QB 667: No absolute requirement in international law that a refugee claim asylum in the first safe country they reach</p> <p>Horvath v SSHD [2000] UKHL 37: State protection; persecution – discrimination - severity</p> <p>HJ(Iran) v SSHD [2010] UKSC 31; RT (Zimbabwe) v SSHD UKSC 2011/0011: Whether an asylum-seeker should change behaviour to avoid persecution.</p> <p>Shah and Islam v SSHD and IAT [1999] UKHL 20: Risk of persecution cannot define membership of a social group.</p> <p>JT(Cameroon) v SSHD [2008] EWCA Civ 878: Section 8 Asylum</p>
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		<p>and Immigration (Treatment of Claimants etc) Act 2004.</p> <p>AH(Sudan) v SSHD [2007] EWCA Civ 297: Internal relocation/unduly harsh</p> <p>MS(Somalia) [2010] Civ 1236: Family members/family reunion/not refugees</p>
<p>Senior Caseworker</p>	<p>Understanding in all areas, relevant to immigration practice, that are in scope of legal aid.</p> <p>Understanding required to recognise when an out-of-scope area is relevant.</p> <p>Understanding of law, policy and procedure regarding Unaccompanied Asylum Seeking Child asylum claim.</p> <p>Understanding of age assessment and challenges.</p> <p>Understanding required to identify grounds and making applications for further submissions/fresh asylum claims.</p> <p>Understanding required to advise and represent clients in deportation matters.</p> <p>Understanding of the law, policy and procedure in conducting statelessness applications.</p>	<p>Asylum policy instruction: further submissions Procedure for making further submissions/fresh claim.</p> <p>The 1951 Convention and 1967 Protocol relating to the Status of Refugees</p> <p>Nationality, Immigration and Asylum Act 2002.</p> <p>Asylum decision making guidance (asylum instructions) - Humanitarian Protection</p> <p>Statelessness and applications for leave to remain</p>

		Country Guidance cases: only those which are relevant to advance materials.
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Level	6. APPEALS AND ADMINISTRATIVE REVIEW	
	Level of ability and area	Authorities
Assistant Caseworker	<p>Awareness of Tribunal appeals, appeals in the appellate courts and administrative review as potential remedies.</p> <p>Competence to draft a chronology and assist in preparing a bundle for an appeal hearing.</p>	<p>Immigration and Asylum Chamber Tribunal Rules</p> <p>Section 3C Immigration Act 1971</p>
Assistant	<p>Knowledge of time-limit to lodge in-country notice of appeal, following a refusal of an asylum/HP/Human Rights claim.</p> <p>Knowledge of time-limit to lodge notice of appeal, following a refusal of entry clearance.</p> <p>Knowledge of time-limit to lodge in-country notice of administrative review.</p>	<p>Home Office guidance on Administrative Review</p>
Senior Caseworker	<p>Knowledge of time-limits for lodging all types of in-scope appeal in the Tribunal.</p> <p>Knowledge of time-limits for lodging all types of in-scope application for administrative review, with the Home Office/ECO.</p> <p>Understanding required to advise on prospects of success at appeal for purposes of grant of CLR.</p> <p>Understanding of law, evidence and procedure required to prepare and present appeals in the Tribunal.</p> <p>Competence in drafting grounds and lodging notice of appeal.</p> <p>Understanding required to take and draft witness statements and preparing witnesses.</p>	<p>Upper Tribunal Immigration and Asylum Chamber First-Tier Tribunal Immigration and Asylum Chamber – Joint Presidential Guidance 2019 No 1 – Permission to appeal to the UTIAC</p> <p>Section 3C Immigration Act 1971</p> <p>Devaseelan [2002] UKIAT 00702: In second appeals, the first appeal determination forms the starting point for the second determination, facts occurring since should also be taken into account.</p>

	<p>Understanding of what evidence to gather and how.</p> <p>Understanding required to instruct independent experts.</p> <p>Competence in instructing Advocate.</p> <p>Understanding of advocacy.</p> <p>Competence in drafting skeleton argument Tribunal appeal hearing.</p> <p>Understanding required to identify errors of law/grounds for onward appeals.</p> <p>Understanding required to prepare appeals for hearing at the Upper Tribunal.</p> <p>Understanding required to apply to the First Tier and to the Upper Tribunal for permission to appeal to the Upper Tribunal.</p> <p>Understanding of Cart Judicial Review.</p>	<p>FP(Iran) v SSHD [2007] EWCA Civ 13: there is no law that binds an appellant by the procedural errors of her/his representative.</p> <p>ZT(Kosovo) v SSHD [2009] UKHL 6; Razgar [2004] 2 AC 68 [2004] UKHL 27: Clearly unfounded test</p> <p>R(YH) v SSHD [2010] EWCA Civ 115: Burden of proof in certification</p> <p>RS(Immigration and Family Court Proceedings) India [2015] UKUT 00218 (IAC).</p> <p>Nwaige (adjournment: fairness) [2014] UKUT 418 (IAC): The question for the UT is whether there was any deprivation of the affected party's right to a fair hearing.</p> <p>R (Bilal Ahmed) v SSHD IJR [2015] UKUT 00436 (IAC): Out of country appeals &amp; EEA Regulations</p>
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Level	7. DETENTION	
	Level of ability and area	Authorities
Assistant Caseworker		
Assistant	<p>Understanding required to advise on liability to be detained.</p> <p>Awareness of Immigration Bail.</p> <p>Understanding required to write to Home Office to vary conditions of Immigration Bail.</p>	<p>Schedules 2 &amp; 3 Immigration Act 1971</p> <p>Section 62 Nationality, Immigration and Asylum Act 2002</p> <p>Section 36 UK Borders Act 2007</p> <p>Schedule 10 Immigration Act 2016.</p> <p>Regulation 32(1) Immigration (European Economic Area) Regulations 2016</p> <p>Adults at Risk in Immigration detention</p> <p>Detention of Pregnant Women (Chapter 55a)</p>
Senior Caseworker	<p>Understanding required to advise clients on detention, immigration bail and the existence of Tribunal bail as a potential remedy.</p> <p>Understanding of how to apply to Immigration Officer for immigration bail.</p> <p>Knowledge of potential relevant sources of evidence to support applications for variations of reporting requirements and immigration bail.</p>	<p>Section 61(1) and (2), Immigration Act 2016</p> <p>Parts 4 &amp; 5 Immigration (European Economic Area) Regulations 2016</p> <p>Part 5 Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.</p>

	<p>Understanding required to gather evidence, relevant to support applications for variations of reporting requirements and immigration bail.</p> <p>Advising clients on Tribunal bail (law, evidence, procedure).</p> <p>Completing and lodging application form for Tribunal bail.</p> <p>Understanding required to prepare a bail application for hearing in the Tribunal (gathering evidence, preparing witnesses, serving and filing evidence, preparing applicant, instructing Advocate /drafting skeleton argument).</p> <p>Awareness that unlawful detention can be challenged by way of JR or habeas corpus.</p>	<p>Guidance on Immigration Bail for Judges of the First-tier Tribunal 15 January 2018 R (on the application of Singh) v Governor of Durham Prison [1084] 1 WLR 704 (QB): Hardial Singh principles in detention cases.</p> <p>Saadi v UK [2008] ECHR 80: Detention for a quick decision in an asylum claim is lawful. The Lord Chancellor v Detention Action [2015] EWCA Civ 840: Inherent unfairness of detained fast track appeal system.</p> <p>Hossain and Others v Secretary of State for the Home Department [2016] EWHC 1331 (Admin): Lawfulness of “Detained Asylum Casework”.</p> <p>Lumba (WL) v SSHD [2011] UKSC 12: Detention in reliance on unpublished guidance may be unlawful.</p> <p>SK(Zimbabwe) v SSHD [2011] UKSC 23: Failure to conduct reviews as laid out in the Enforcement Instructions and Guidance.</p>
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Level	8. DEPORTATION AND REMOVAL	
	Level of ability and area	Authorities
Assistant Caseworker	Awareness of difference between deportation and removal.	
Assistant	Knowledge of difference between deportation and removal.	
Senior Caseworker	Understanding required to conduct proceedings for clients subject to deportation or removal	<p>Sections 3(5) and (6), 5, 7, Schedule 2: Part 1: Para 8 Immigration Act 1971</p> <p>Section 10 Immigration and Asylum Act 1999</p> <p>Section 76, 78 117C Nationality, Immigration and Asylum Act 2002.</p> <p>Sections 32-39 UK Borders Act 2007</p> <p>Section 55 Borders, Citizenship and Immigration Act 2009</p> <p>Parts 4 &amp; 5: The Immigration (European Economic Area) Regulations 2016</p>

		<p>Home Office: Immigration Directorate Instructions: Chapter 13: Criminality Guidance in Article 8 ECHR cases. Arranging Removal</p> <p>Family Returns Policy</p> <p>Judicial Review and Injunction</p> <p>Akrich Case C-109/01 and Emsland-Stärke (Case C-110/99) On misuse of EEA Rights</p> <p>JO and Others (section 55 duty) Nigeria [2014] UKUT 517 (IAC); ZH(Tanzania) v SSHD [2011] UKSC4; MK (section 55 – Tribunal options) [2015] UKUT 223 (IAC)</p> <p>Üner v The Netherlands (Appn 46410/99) and Maslov v Austria 1638/03 [2008] ECHR 546: Article 8 considerations outside the rules in deportation</p> <p>Hesham Ali v SSHD [2016] UKSC 60</p>
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		R (on the application of Kiarie) v Secretary of State for the Home Department; R (on the application of Byndloss) v SSHD [2017] UKSC 42
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Level	9. JUDICIAL REVIEW	
	Level of ability and area	Authorities
Assistant Caseworker	<p>Awareness of Judicial Review as a potential remedy.</p> <p>Knowledge of time limit to bring a claim for Judicial Review (excluding Cart JR).</p>	
Assistant	<p>Awareness of decisions that can be subject to Judicial Review.</p> <p>Awareness of Judicial Review Pre-Action protocol.</p>	
Senior Caseworker	<p>Understanding required to identify decisions that are amenable to Judicial Review.</p> <p>Understanding the issues relating to conduct of Judicial Review proceedings.</p> <p>Awareness of the Judicial Review pre-action protocol.</p> <p>Understanding required to draft a letter before claim / pre-action protocol letter.</p> <p>Awareness of Judicial Review funding and costs risks to claimants.</p> <p>Awareness of pre-certificate work under Legal Help funding (funding advice and applications, statement of case, letter before claim)</p>	<p>R (Hamid) v Secretary of State for the Home Department [2012] EWHC 3070 (Admin)</p>

Level	10. HUMAN RIGHTS	
	Level of ability and area	Authorities
Assistant Caseworker	Awareness of Article 3 and 8 ECHR.	Articles 3 & 8 The European Convention on Human Rights
Assistant	<p>Awareness of all ECHR Articles that UK public bodies must not breach.</p> <p>Knowledge of law relating to applications relying on Article 8 ECHR and relevant procedures for making such applications.</p> <p>Understanding required to conduct Article 8 matters.</p> <p>Understanding of Article 3 ECHR.</p> <p>Understanding of law required to identify whether an individual is a British Citizen.</p>	<p>Articles 3, 4, 5, 8, 13 and 14 The European Convention on Human Rights</p> <p>British Nationality Act 1981 sections 1 to 6 and sections 40, 40A and 40B</p> <p>Asylum Claims in detention Razgar v SSHD [2004] UKHL 27: 5-step test in Article 8 claims.</p> <p>Beoku Betts v SSHD [2008] UKHL 39: Whose Article 8 rights should be considered?</p> <p>JO and Others (section 55 duty) Nigeria [2014] UKUT 517 (IAC); ZH(Tanzania) v SSHD [2011] UKSC 4: Section 55 duty to safeguard the best interests of the child, Article 8, proportionality; MK (section 55 – Tribunal options) [2015] UKUT 223 (IAC)</p>

		SS (Congo) [2015] EWCA Civ 387: Immigration rules and codified case law
Senior Caseworker	<p>Understanding of Human Rights Act 1998 (Ss 1, 2 and 6).</p> <p>Understanding of law, policy and procedure relating to making stand-alone Article 3 ECHR claims and Article 3 and 8 Medical Grounds claims.</p>	

Level	11. ASYLUM SUPPORT	
	Level of ability and area	Authorities
Assistant Caseworker	Awareness of asylum support.	Sections 4, 95, 98 and 122 Immigration Act 1999  Section 55 Nationality, Immigration and Asylum Act 2002
Assistant	Knowledge of asylum support.  Awareness Local Authority support including Section 17 and 20 Children Act 1989  Awareness of section 21 Care Act	Sections 17 & 20 Children Act 1989  Sections 18-21 Care Act 2014
Senior Caseworker	Understand procedure for urgent judicial review challenges to asylum support decisions.	

THIS DOCUMENT IS UP-TO-DATE AT 29 OCTOBER 2019 AND IS VALID FOR THE 2019 & 2020 EXAMS

CANDIDATES SHOULD ALWAYS CHECK THE LAW SOCIETY WEBSITE  
FOR UPDATES BEFORE AN EXAM